GOVERNMENT OF INDIA
ENVIRONMENT, FORESTS AND CLIMATE CHANGE
LOK SABHA

STARRED QUESTION NO:136
ANSWERED ON:08.12.2015
Relaxation in Environmental Laws
Premachandran Shri N.K.

Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:

(a) whether suggestions have been received to relax the existing Environmental Protection Laws for promoting investment and infrastructure development, if so, the details thereof and the follow up action taken thereon;
(b) the details of the relaxation in Environmental Protection Laws given by the Government during the last 18 months for different projects and those pending with the Government, project/State-wise; and
(c) whether the projects sanctioned by the Government during the last 18 months were strictly subjected to compliance of the Environmental Protection Laws and if so, the details thereof?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE

(SHRI PRAKASH JAVADEKAR)

(a) to (c) : A Statement is laid on the Table of the House.

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STATEMENT IN REPLY TO PARTS (a), (b) AND (c) OF LOK SABHA STARRED QUESTION NO. *136 FOR ANSWER ON 08/12/2015 REGARDINGRELAXATION IN ENVIRONMENTAL LAWS
(a) No, Sir.
The Ministry of Environment, Forest and Climate Change has received suggestions on rationalisation and simplification of procedures for grant of environment and forest clearances. There were 36 suggestions for streamlining the environment clearance process, 18 suggestions for forest clearance process, 5 suggestions for wildlife clearance process and 1 suggestion for coastal zone regulation clearance. All the suggestions regarding environment clearance have been examined and suitably addressed.

(b) The Ministry of Environment, Forest and Climate Change has taken several measures to streamline the process of environment clearance for making it more transparent without compromising the rigour of the process of environment clearance. Notably among them inter alia include online submission of application for Terms of Reference (TORs) and Environment Clearance (EC) mandated with effect from 01.07.2014, amendments in EIA Notification, 2006 giving more powers to SEIAA, standardising the Terms of Reference for preparation of EIA Report, exempting the construction of industrial shed, school, college, hostels for education institution from requirement of EC, exemption to all highway projects in border States from scoping requirement and exempting all linear projects in border States from the requirement of public hearing subject to suitable conditions prescribed by the Ministry, non requirement of no objection for transfer of environment clearance of cancelled coal block to legal person to whom such block is subsequently allocated and also without referring to EAC / SEAC, amendment in CRZ Notification relaxing the criterion for construction of memorial/monuments within the CRZ area only in exceptional cases with adequate environmental safeguards, increasing the validity of Environment Clearance etc. Details of initiatives taken are annexed at Annexure-I.

(c) Yes, Sir. The developmental projects are appraised in accordance with the provisions of Environment Impact Assessment (EIA) Notification, 2006 issued under Environment (Protection) Act, 1986. The EIA Notification, 2006 as amended, provides for two level appraisal process for according prior environmental clearance to projects listed in the schedule to the Notification. The category "A" projects are appraised at central level by the Ministry of Environment, Forest and Climate Change whereas category "B" projects are appraised at State level by State Environment Impact Assessment Authority (SEIAA) constituted by the Ministry of Environment, Forest and Climate Change after following procedures as laid down in the EIA Notification 2006. The Expert Appraisal Committees (EACs) in the Centre and the State Level Expert Appraisal Committees (SEACs) in the States/ UTs are multi disciplinary Committees comprising of various subject matter experts and are constituted as per the provisions of EIA Notification, 2006, for appraisal of development projects. The EACs/SEACs are the recommendatory body. Based on the recommendations of the EACs/SEACs, environmental clearance is accorded or project is rejected from environmental angle.
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Annexure-I

Important decisions for streamlining/simplification of the Environment Clearance process:

1. An amendment to EIA Notification, 2006 was made vide S.O. No.1599 (E) dated 25.06.2014 with regard to the following:
(a) The "General Condition" in the EIA Notification has been amended to provide inter-alia that only those category 'B' projects will be

appraised at the Central level as category 'A' projects which are located in whole or in part within 5 km from the boundary of critically polluted areas as identified by the Central Pollution Control Board. This implies that category 'B' projects located between 5 km and 10 km from the boundary of the critically polluted areas could now be dealt with by the concerned SEIAAs subject to stipulations stated in the aforesaid amendment notification.

(b) Irrigation projects with culturable command area up to 2000 ha have been exempted from EC requirement.

(c) All biomass based Thermal Power Projects with capacity equal or more than 15 MW will be Category 'B'. Such projects of capacity less than 15 MW will not require EC.

(d) For mineral beneficiation projects, the upper limit for Category 'B' projects has been raised from 0.1 MTPA to 0.5 MTPA.

(e) For non- molasses based distilleries, the upper limit for category 'B' projects has been raised from 30 KLD to 60 KLD.

2. Online submission of applications for Terms of reference (TORs) and Environment Clearance (EC) mandated w.e.f. 01.07.2014, with a view to increasing transparency and facilitating expeditious decision making process.

3. With a view to facilitate increase in coal production, the moratorium in Singrauli and Jharsuguda critically polluted areas (CPA) imposed in September, 2013 has been kept in abeyance vide Office Memorandum dated 10.06.2014 and CPCB asked to comprehensively re-assess CEPI score.

4. Guidelines for exemption from public hearing in respect of coal mining expansion projects involving one time production capacity expansion in the existing operation subject to the ceiling of additional production upto 5 MTPA where the expanded production is transported through railways / conveyor, have been further relaxed to facilitate increase in coal production.

5. An OM dated 11.08.2014 was issued on Corporate Social Responsibility (CSR) to bring clarity on CSR related issues while considering project proposals for environment clearance.

6. MoEFCC vide Office Memorandum dated 01.09.2014 kept the moratorium in abeyance for coal mining expansion projects in Chandrapur CPA.

7. An OM dated 07.10.2014 was issued clarifying that the projects granted clearance under CRZ Notification, 1991 commenced the construction or operation within the validity period of five years would not require fresh clearance under CRZ Notification, 2011.

8. Considering that full acquisition of land may not be a pre-requisite for the consideration of project/activity for grant of EC, the Ministry vide OM dated 07.10.2014 clarified that following documents may be considered as adequate by the EACs/SEACs at the time of appraisal of the case for EC:

(i) a copy of the preliminary notification issued by the concerned State Government regarding acquisition of land as per the provisions of Land Acquisition, Rehabilitation and Resettlement Act, 2013- in case the project land proposed to be acquired through government intervention.
(ii) Credible document showing the intent of the land owners to sell the land for the project -in case the land is being acquired through private negotiations with the land owners.

9. A Circular dated 07.10.2014 was issued clarifying categorization of environment clearance conditions for different phases of implementation, namely pre-construction, construction, post construction and life of project; and

10. A Circular 07.10.2014 was issued advising EACs/SEACs to consider the proposal comprehensively at the scoping stage and seek information in one go from the proponent instead of revisiting the issues at the time of appraisal of the project.

11. Office Memorandum dated 22.08.2014 amended on 08.10.2014 were issued clarifying an outer limit of five years for the validity period of TORs for river valley and HEP projects and 4 years for other category of projects.

12. OM dated 07.11.2014 was issued substituting para 2(v) from OM dated 08.10.2014 with regard to baseline data, EIA and EMP report and violation regarding issues on appraisal.

13. Vide Office Memorandum dated 10.12.2014 it has been clarified that exemption from Public Hearing under para 7 (i) III. Stage (3) (i) (b) of EIA Notification, 2006 is also available to the projects activities or units located within the industrial Estate or parks, which were notified prior to 14.09.2006, i.e., the EIA Notification, 2006.

14. A Compendium of all Office Memoranda/ Notifications issued under EIA Notification, 2006 has been prepared for the ready reference of the project proponents and decision makers. This compendium will help the users in keeping their information updated on the development in the EIA Notification, 2006.

15. An amendment to EIA Notification 2006 issued Vide Gazette Notification S.O.No. 3252(E) dated 22.12.2014 exempting the construction of industrial shed, school, college, hostels for education institution from requirement of EC under EIA Notification, 2006.

16. An amendment to EIA Notification 2006 issued vide S.O.No. 382(E) dated 03.02.2015 to exempt all highway projects in border States from scoping requirement and exempt all linear projects in border States from the requirement of public hearing subject to suitable conditions prescribed by the Ministry.

17. An amendment to CRZ Notification, 2011 issued vide Gazette Notification S.O. No. 383(E) dated 04.02.2015 inserting a note in Annexure-III, after item II, with regard to the development of beach resorts and hotels at CRZ-II area at sub-items (c), (d), (e), (f), (g), (n), (o), (q), (r) for item I and item II.

18. An amendment to CRZ Notification, 2011 issued vide Gazette Notification S.O.No. 556(E) dated 17.02.2015 relaxing the criterion for construction of memorial/monuments within the CRZ area only in exceptional cases with adequate environmental safeguards.

19. Vide Office Memorandum dated 05.03.2015 it has been clarified that industrial sheds implies building(whether RCC or otherwise) which is being used for housing plant, machinery of industrial units and include Godowns and buildings connected with production related and other associated activities of the unit in the same premise.

20. An amendment to EIA Notification 2006 issued vide S.O.No. 811(E) dated 23.03.2015 regarding transfer of environment clearance of cancelled coal block to legal person to whom such block is subsequently allocated.

21. An amendment to EIA Notification 2006 issued vide S.O.No. 996(E) dated 10.04.2015 regarding Standard Terms of Reference to enable the project proponent to commence preparation of an EIA report after successful online submission and registration of the application.

22. An amendment to EIA Notification 2006 issued vide S.O.No. 1142(E) dated 17.04.2015 incorporating 'Bio-Medical Waste Treatment Facilities' ans an activity in the Schedule to EIA Notification, 2006.

23. An amendment to EIA Notification 2006 issued vide S.O.No. 1141(E) dated 29.04.2015 regarding extension of validity of environment clearance.

24. An amendment to EIA Notification 2006 issued vide S.O.No. 1834(E) dated 06.07.2015 regarding Thermal Power Plants Schedule, column 4 regarding capacity.

25. An amendment to EIA Notification 2006 issued vide S.O.No. 2572(E) dated 14.09.2015 regarding public hearing exemption for existing pellet plants.

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